

**Pennsylvania Department of Environmental Protection**

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June 28, 1996

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Southcentral Regional Office

Mr. Thomas C. Voltaggio, Director
Hazardous Waste Management Division
US EPA, Region III
841 Chestnut Building
Philadelphia, PA 19107

Rc: Record of Decision (ROD)
Berkley Products Superfund Site
West Cocalico Township
Lancaster County, PA

Dear Mr. Voltaggio:

The Record of Decision (ROD) for the Berkley Products Superfund Site, West Cocalico Township, Lancaster County was received June 28, 1996. It has been reviewed by the Department.

The proposed remedy for this site consists of the following major components:

- Consolidation and compaction of landfill wastes.
- Installation of a low-permeability cover system to prevent exposures to soil and landfill material contaminants and to minimize precipitation infiltration and the resulting leaching of organics and metals into groundwater.
- Implementation of a long-term monitoring program to ensure that downgradient residential wells are not negatively impacted.

The Department hereby concurs with EPA's proposed remedy with the following conditions:

- EPA will assure that the Department is provided an opportunity to fully participate in any negotiations with responsible parties.



AR301947

Mr. Voltaggio

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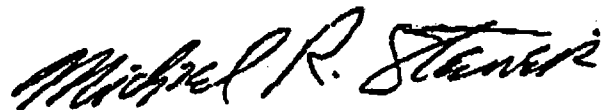
June 28, 1996

- The Department will be given the opportunity to review and comment on documents and concur with decisions related to the design and implementation of the remedial action, to assure compliance with Pennsylvania ARARs.
- Public comment and the issuance of an Explanation of Significant Differences (ESD) must occur before any modification of the ROD.
- The Department reserves its right and responsibility to take independent enforcement actions pursuant to state law, as acknowledged in the Declaration and the ROD.
- This concurrence with the selected remedial action is not intended to provide any assurances pursuant to SARA § 104(c)(3).

The Department disagrees with EPA's determination that the Land Recycling and Environmental Standards Act, the Act of May 19, 1995, P.L. No. 4, No. 1995.2 (35 P.S. § 6026.101 et. seq.) ("Act 2"), is not an ARAR for the purposes of CERCLA § 121(d)(2). The Department is taking this opportunity to reassert that Act 2 is an ARAR and that the Department does not concur with the EPA decision not to recognize Act 2 as an ARAR for the purposes of CERCLA § 121(d)(2).

Thank you for the opportunity to comment on this EPA Record of Decision. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Michael R. Steiner
Director
Southcentral Region

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TOTAL P.03